



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23<sup>rd</sup> STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023

JOHN ELIAS BALDACCI  
GOVERNOR

SEP 29 2008

SUSAN A. GENDRON  
COMMISSIONER

September 26, 2008

William Webster, Superintendent  
Flanders Bay/Schoodic/Peninsula CSD/Union 96  
165 US Route 1, Suite 1  
Gouldsboro, ME 04607

Dear Superintendent Webster:

Thank you for the Reorganization Plan that you submitted on behalf of the Ellsworth, Franklin, Hancock, Lamoine, Mariaville, Otis, and Steuben School Departments, the Flanders Bay, Peninsula, and Schoodic Community School Districts and MSAD 26 on September 25, 2008 for Department review for compliance with the school reorganization law, P.L. 2007, chapter 240, Part XXXX.

I recognize how much time, effort and thoughtful work is required to complete a reorganization plan and appreciate the efforts made, to date, by all those involved.

Members of my staff and I have reviewed the submission and offer the comments and notes listed below to assist you in completing the plan. If you make any substantive change(s) to any part of the plan beyond those listed below, please be sure to note those on the Updated Reorganization Plan Cover Sheet Checklist, along with notation of those items that have changed per the notes contained in this response.

**General Documentation (Submittal Sheet)**

- Please submit a completed Reorganization Plan Cover Sheet (checklist) and Reorganization Plan Submittal Sheet with the final submission of your plan.

**General Comment**

- Please remove all references to "RSU 7" from your plan. The Department cannot assign a regional school unit number until after the reorganization plan is approved by the Commissioner and the voters at referendum.

## Checklist/Plan Text Items

### Items Checked "Complete"

With respect to the items you checked as "complete", please note the following:

#### *\* Required Elements*

11. The Commissioner's approval of a reorganization plan is of the plan as written on a date certain. Please clarify in this section that future amendments to the plan require Commissioner approval.

Also in this section, please refer to the enrollment figures from October 1, 2006 in calculating the average number of resident pupils as provided on our website (<http://www.maine.gov/education/enroll/aproct/resident.html>). The Department has been using the October 2006 counts since the inception of the reorganization law and you must remain consistent with that. I have enclosed a chart prepared by my staff as they reviewed your submission. You are welcome to use it as you complete your revisions.

12. Please clarify how administrative efficiencies will be achieved by "closing one of the three present central offices" as referenced in your plan on page 14, and how this will impact the performance of business functions of the RSU pursuant to 20-A MRSA Section 1452 sub-section 2.

13-D. 2. Please complete this section in accordance with the provisions of the reorganization law governing school choice, Section 1479(5), with respect to the responsibility of additional expense. Please consider language such as the following to clarify these expenses: "As provided for in law, grade levels in the existing SAUs that have choice of schools as of the operational date of the RSU shall continue to have the same choices in the RSU. The RSU shall pay the maximum allowable tuition pursuant to 20-A MRSA Sections 5804, 5805 and 5806. If the tuition payable to the choice school exceeds the RSU tuition rate, the additional expense pursuant to 20-A MRSA Section 1479 sub-section 5 shall be an additional local assessment to the responsible municipality. The municipality may then assess the residents for the amount of tuition paid over the established tuition rate for the RSU."

13-I. Please clarify in this section that future amendments to the plan require Commissioner approval.

We will review all items on the checklist again, upon your completion of the plan.

## **SUBMISSION OF REVISIONS:**

Please provide the additional materials to complete your plan by Friday, November 14, 2008 in order to meet the referendum timeline requirements. Please include:

- Any additional data required
- An updated Submittal Page with Signatures
- An updated Cover Sheet Checklist
- A copy of this Response from the Commissioner.

I will respond no more than 14 days after the revisions/additional materials are refiled with the Department. As you are the contact person identified on the Submittal Sheet, this response is addressed to you but with the understanding that you will share it with your school administrative unit board members.

Finally, what I am reviewing for approval is a plan (or a submission, if the plan is incomplete) which is by its very nature prospective, with steps yet to be taken or finalized; and any review comments or approval given are in relation to the elements required under P.L 2007, chapter 240, Part XXXX but not the legality of all the activities proposed. Thus, I strongly recommend that you have your own legal advisor(s) review the details of any particular transaction proposed in your plan (particularly with respect to the disposition of property, to debt, and to employee contracts/relations) as you proceed, to ensure the legality of the steps you'll be taking to implement the plan. If that review leads to any substantive changes in any parts of your plan, please be sure to submit an amended plan to the Department for our review and our file.

If you have questions or concerns, I encourage you to contact Ray Poulin or Norm Higgins of our Reorganization Team. They may be reached by phone at 624-6802.

Sincerely,



Susan A. Gendron  
Commissioner of Education

Enc.

cc: S. Wayne Enman, Superintendent, Ellsworth School Department  
James Boothby, Superintendent, MSAD 26/Union 92  
Henry Ashmore, Superintendent, Franklin School Department  
Ray Freve, Facilitator

School Administrative Unit	10/1/2006 SAU Resident Pupils	Municipality in SAU	10/1/2006 Municipality Resident Pupils
Ellsworth	1,035	Ellsworth	1,035
Hancock	333	Hancock	333
Lamoine	218	Lamoine	218
Mariaville	86	Mariaville	86
Otis	86	Otis	86
SAD #26	120	Eastbrook	68
		Waltham	52
Franklin (K-8)	129		
Steuben (K-8)	100		
Flanders Bay CSD (9-12)	283		
Schoodic CSD (K-8)	137		
Peninsula CSD (K-8)	175		
			824
Flanders Bay CSD (9-12) / Franklin (K-8)		Franklin	184
Flanders Bay CSD (9-12) / Peninsula CSD (K-8)		Gouldsboro	219
Flanders Bay CSD (9-12) / Schoodic CSD (K-8)		Sorrento	20
Flanders Bay CSD (9-12) / Schoodic CSD (K-8)		Sullivan	185
Flanders Bay CSD (9-12) / Steuben (K-8)		Steuben	162
Flanders Bay CSD (9-12) / Peninsula CSD (K-8)		Winter Harbor	54
			824
	2,702		2,702

*The above does not include students transferred under a superintendent's agreement:*

Supt. transfers from Hancock to SAD #26	2	2
Supt. Transfer from Ellsworth to Flanders Bay CSD	3	3
Supt. Transfer from SAD #37 (Milbridge) to Flanders Bay CSD	3	3
Supt. Transfer from Ellsworth to Schoodic CSD	1	1
Supt. Transfer from Peninsula CSD (Gouldsboro) to Schoodic CSD	2	2
	2,713	2,713